

Barry McHugh
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MARKS ELLIOTT & MCHUGH, CHTD.
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COURTS

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FILED
CLERK OF COURT
IDAHO

Attorneys for Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In Re:)	Case No. 03-21652
)	
GERALD & ONA LINDSEY,)	MOTION TO SHORTEN TIME
)	
Debtors)	
)	
_____)	

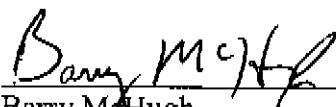
COMES NOW, Ford Elsaesser, the Chapter 7 Trustee, by and through his attorney of record, Barry McHugh, of ELSAESSER JARZABEK ANDERSON MARKS ELLIOTT & MCHUGH, CHTD., and hereby moves the Court for an order shortening the time required under Bankruptcy Rule 4006 for notice to interested parties of this motion. The Trustee has a good faith believe that if the entities named in the Ex Parte Motion to Amend the Voluntary Petition are not added to the Voluntary Petition and thereby restrained from disposing of assets which the Trustee believes are assets of the bankruptcy estate, the bankruptcy estate will be diminished thereby. The Debtors have demonstrated a willingness to transfer assets to entities which have no legal basis, to intentionally forego educating themselves regarding the management and status of the entities which hold their property, and to hide assets from the Trustee's representatives. The Debtors further claim to have no control over assets placed in entities over the last 10 years, and therefore they would take the position that any order directing them to preserve assets of their estate would have no effect upon the individuals in control of the entities that are legal

owners of the property, despite the Trustee's assertion that the entities are merely alter egos for the Debtors. Therefore, an order amending the Voluntary Petition is needed as soon as possible to protect the estate from dissipation of assets.

Gary McClendon, of the United States Trustee's Office, Assistant United States Attorney Warren Derbidge, and Sheila Schwager, counsel for Judgment Lien Creditors Virgil Vial, Mark Vial, Mike Vial, dba A. U. Mining, and David Vial, were contacted by counsel for the Trustee, and have no objection to the shortening of time or the Ex Parte Motion. Brit Groom, counsel for the Debtors, was contacted by counsel for the Trustee, and indicated he did object to the shortening of time as he is scheduled to drive to Boisc to catch a flight which departs at approximately 5:30 p.m. on March 16, 2004.

DATED this 11th day of March, 2004.

ELSAESSER JARZABEK ANDERSON
MARKS ELLIOTT & MCHUGH, CHTD.



Barry McHugh
Attorney for Ford Elsacsser, Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 11TH day of March, 2004, a true and correct copy of the foregoing MOTION TO SHORTEN TIME was served upon the following in the manner indicated:

Ford Elsaesser
Chapter 7 Trustee
P.O. Box 2220
Sandpoint, ID 83864

☒ US Mail
☐ Overnight Mail
☐ Hand Delivered
☐ Facsimile

U.S. Trustee
304 N. 8th Street, Rm 347
Boise, ID 83702

☐ US Mail
☐ Overnight Mail
☐ Hand Delivered
☒ Facsimile

Brit D. Groom
Attorney at Law
P.O. Box 218
Grangeville, ID 83530

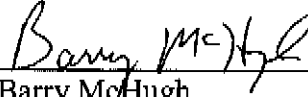
☐ US Mail
☐ Overnight Mail
☐ Hand Delivered
☒ Facsimile

Warren Derbidge
US Attorney's Office
877 W. Main, Ste. 201
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☐ US Mail
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Sheila R. Schwager
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Barry McHugh